

REMARKS

Applicant respectfully requests reconsideration of the present U.S. patent application as amended and discussed herein. In the Office action, claims 1-2, 19-20, 23-24 and 34-35 are rejected under 35 U.S.C. 112, and claims 1-9, 19-20, 23-36 and 38-48 are rejected under 35 U.S.C. 103(a).

Applicants note that on the Office Action Summary it is indicated that the action is a non-final action. However, on page 2 of the communication, it is indicated that the action is a "Final Detailed Action". Applicant believes that since this is the first action after filing the Request for Continued Examination and due to the substance of the action, that the subject action was intended as a non-final action.

Amendments to the Specification

Applicant has amended the specification to indicate that the co-pending application has issued. Applicant further amended the specification to include subject matter from co-pending application 09/507,260, issued as patent US 6,224,216 B1, previously incorporated by reference.

Rejection under 35 U.S.C. § 112

The Examiner asserts that claims 1-2, 19-20, 23-24 and 34-35 are not supported by the written description. Specifically, the Examiner asserts that there is no disclosure supporting "the light having the first wavelength and the light having the second wavelength can be blended, in at least in part, by adjusting durations of the first emission time period and the second emission time period" and "the light having the first

emission time period, the second emission time period and the third emission time period." Office Action, p. 2. Applicant disagrees.

As noted in the previous response, Applicant believes that pages 10-12 of the present application provide adequate support. Applicant also respectfully directs the Examiner's attention to the co-pending application US 6,224,216 B1, the subject matter of which was incorporated by reference in the present application, for further support. Specifically, col. 7, ll. 43-46 describe how different colored light can be blended (white balancing) by adjusting the emission time period. For clarity, Applicant has amended the specification to include this language on page 10 of the present application.

Therefore, Applicant believes claim 1 is in condition for allowance. Claims 3-9, 25-33 and 36-48 should now also be allowed because they were rejected as being dependent on a rejected base claim.

Rejections under 35 U.S.C. § 103

To establish a *prima facie* case of obviousness, the Examiner must show that the prior art reference (or references when combined) teach or suggest all the claim limitations. MPEP 2143.

The Examiner asserts that claims 1-3, 5-6, 19-20 and 44-48 are obvious based on Matsui et al. (US 6,281,949 B1) in view of Reymond (US 5,936,599) and further in view of Corrigan (US 6,480,634 B1). As pertaining to claims 1 and 19, Examiner states "Matsui discloses something similar to blending of the first and second light wavelengths based on the durations of the first and second light emission time periods." As noted in Applicant's previous response, disclosing something similar does not establish a *prima*

facie case of obviousness. It is the Examiner's burden to produce references that expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teaching of the references. *See* MPEP 706.02(j).

The Examiner has not met his burden because Matsui and other references do not disclose or show the blending of first and second wavelengths of light by adjusting durations of the first and second light emission periods. In fact, Matsui repeatedly teaches away from the blending of light by having the colors "sequentially switched" (col. 17, ll. 22, 34, 38), resulting in "pictures [] perceived by the viewer as the color picture due to the afterimage effect of the human eye." (col. 17, ll. 39-40).

To further illustrate the point, Figs. 26A-D to 33A-D of Matsui do not teach emitting different color light to blend colors, only that each color may be emitted for different periods of time. Figs. 24-25 show color synthesis in undesirable color splitting or edge chromatic phenomenon, but do not teach or suggest adjusting the duration of light emission time periods to solve the problem. *See also* col. 22, ll. 46-50.

Reymond and Corrigan also do not teach or suggest the colors are blended by adjusting the emission time periods. Therefore, the Examiner has failed to show that each element of claims 1 and 19 is taught or suggested by the prior art references and Applicant respectfully requests the withdrawal of rejections to claims 1 and 19, and dependent claims 2-3, 5-6, 20, and 44-48.

The Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Matsui, Reymond, Corrigan as applied to claim 1 or 2, and further in view of

Kanayama (US 4,897,639). Examiner has not established a *prima facie* case of obviousness in rejecting claims 1 and 2 for the reasons stated above. Therefore, claim 4, which depends on claim 2 should be allowed.

The Examiner rejected claims 7-9 under 35 U.S.C. § 103(a) as being unpatentable over Matsui, Reymond and Corrigan as applied to claim 1 or 2, and further in view of Pross et al. (US 6,396,466 B1). Examiner has not established a *prima facie* case of obviousness in rejecting claims 1 and 2 for the reasons stated above. Therefore, claims 7-9 which depend on claim 2 should be allowed.

The Examiner rejected claims 23-25, 27, 33-36 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Matsui in view of Corrigan and further in view of Hunter (US 5,724,062). Once again it is insufficient that the Examiner cites Matsui as disclosing merely "something similar to blending of the first and second light wavelengths based on the durations of the first and second light emission time periods." *See* Office Action p. 12. For the reasons stated above, Matsui does not teach or suggest this claim limitation. Also, neither Hunter nor Corrigan teach or suggest this limitation. Therefore, the Examiner has failed to show that each element of claims 23 and 34 is taught or suggested by the prior art references and Applicant respectfully requests the withdrawal of rejections to claims 23 and 34, and dependent claims 24-25, 27, 33, 35-36 and 43.

The Examiner rejected claims 26 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Matsui, Hunter and Corrigan as applied to claim 23 or 24 or 34 or 35, and further in view of Kanayama. Examiner has not established a *prima facie* case of obviousness in rejecting claims 23-24 and 34-35 for the reasons stated above. Therefore, claims 26 and 37, which depend on claims 23 and 34, respectively, should be allowed.

The Examiner rejected claim 28 under 35 U.S.C. § 103(a) as being unpatentable over Matsui, Hunter and Corrigan as applied to claim 23 or 24, and further in view of Reymond. Examiner has not established a *prima facie* case of obviousness in rejecting claims 23-24 for the reasons stated above. Therefore, claim 28, which depends on claim 24, should be allowed.

The Examiner rejected claims 29-31 and 38-42 under 35 U.S.C. § 103(a) as being unpatentable over Matsui, Hunter and Corrigan as applied to claim 23 or 24, and further in view of Pross. Examiner has not established a *prima facie* case of obviousness in rejecting claims 23-24 and 34-35 for the reasons stated above. Therefore, claims 29-31 and 38-42, which depend on claims 24 and 35, respectively, should be allowed.

The Examiner rejected claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Matsui, Hunter, Corrigan and Reymond as applied to claim 23 or 24 or 28, and further in view of Pross. Examiner has not established a *prima facie* case of obviousness in rejecting claims 23-24 and 28 for the reasons stated above. Therefore, claim 32, which depends on claim 28, should be allowed.

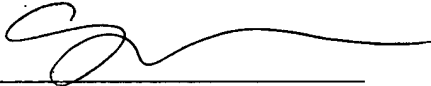
Conclusion

In view of the above amendments and remarks, applicants believe that this application is now in condition for allowance. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If

the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.


CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on May 10, 2005.



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